

1 H.554

2 Introduced by Representative Zagar of Barnard

3 Referred to Committee on

4 Date:

5 Subject: Health; health care records; charges for access

6 Statement of purpose of bill as introduced: This bill proposes to allow a  
7 patient or patient's primary care provider to request a free copy of the patient's  
8 health care record each calendar year for the patient's personal use.

9 An act relating to charges for access to health care records

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. 18 V.S.A. § 9419 is amended to read:

12 § 9419. CHARGES FOR ACCESS TO ~~MEDICAL~~ HEALTH CARE

13 RECORDS

14 (a) A custodian may impose a charge that is no more than a flat \$5.00 fee  
15 or no more than \$0.50 per page, whichever is greater, for providing copies of  
16 an individual's health care record. A custodian shall provide an individual or  
17 the authorized recipient with an itemized bill for the charges assessed. A  
18 Notwithstanding this subsection, a custodian shall not charge for providing  
19 copies of any health care record that is:

1           (1) requested to support a claim or an appeal under any provision of the  
2           Social Security Act or for any other federal or ~~state~~ State needs-based benefit  
3           or program; or

4           (2) requested by a patient or the patient's primary care provider, no  
5           more than once per calendar year, for the purpose of maintaining the patient's  
6           personal health care records.

7           (b) A custodian may charge an individual a fee, reasonably related to the  
8           associated costs, for providing copies of x-rays, films, models, disks, tapes, or  
9           other health care record information maintained in other formats.

10          (c) As used in this section:

11           (1) "Custodian" means any person who maintains health care  
12           information for any lawful purpose, including a health care provider, a health  
13           care facility, or a health insurer.

14           (2) "Health care record" means all written and recorded health care  
15           information about an individual maintained by a custodian.

16           (3) "Individual" means a natural person, alive or dead, who is the  
17           subject of health care information and includes, when appropriate, the  
18           individual's attorney-in-fact, legal guardian, health care agent, as defined in  
19           18 V.S.A. chapter 111, executor, or administrator.

20          Sec. 2. EFFECTIVE DATE

21           This act shall take effect on July 1, 2016.